

OBJECTS AND REASONS

This Bill would amend the *Representation of the People Act*, Cap. 12 to

- (a) make better provision for the duties and functions performed by election officials;
- (b) make better provision for the preparation and maintenance of the register of electors;
- (c) repeal section 25; and
- (d) provide for related matters.

Arrangement of Sections

1. Short title
2. Amendment of Section 2 of Cap. 12
3. Amendment of section 6 of Cap. 12
4. Amendment of section 7 of Cap. 12
5. Amendment of section 8 of Cap. 12
6. Amendment of section 9 of Cap. 12
7. Amendment of section 10 of Cap. 12
8. Amendment of section 12 of Cap. 12
9. Insertion of section 12A of Cap. 12
10. Amendment of section 13 of Cap. 12
11. Amendment of section 18 of Cap. 12
12. Repeal of section 25 of Cap. 12
13. Amendment of section 26 of Cap. 12
14. Amendment of section 68 of Cap. 12

BARBADOS

A Bill entitled

An Act to amend the *Representation of the People Act*.

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Representation of the People (Amendment) Act, 2015*.

Amendment of Section 2 of Cap. 12

2. Section 2 of the Representation of the People Act, in this Act referred to as the principal Act, is amended by

(a) deleting the definitions of “Chief Registering Officer” and “registering officer” and substituting the following definitions in alphabetical order:

“ “Chief Registering Officer” means the person designated as Chief Registering Officer under section 12;

“registering officer” means a person appointed as a registering officer under section 12 or a person acting in that office;”;

(b) inserting the following definitions in alphabetical order:

“ “enumerator” means a person appointed as an enumerator under section 12 or a person acting in that office;

“identification card” means an identification card issued under the *National Registration Act, 2015* (Act 2015 -);”.

Amendment of section 6 of Cap. 12

3. Section 6 of the principal Act is amended by

(a) deleting subsection(4) and substituting the following:

“(4) No person may

(a) at an election, vote as an elector in more than one constituency;

(b) at an election, vote as an elector more than once in the same constituency;

- (c) vote as an elector, without first producing his identification card to verify his identity to the satisfaction of the presiding officer unless he may to the satisfaction of the presiding officer prove
 - (i) that the identification card issued to him has been lost, stolen, defaced, damaged, tampered with or destroyed; and
 - (ii) his identity by producing an identification document which
 - (A) bears his name and a photograph of him; and
 - (B) states his national registration number; or
- (d) vote as an elector where his name is on the register of electors for a constituency but he cannot produce an identification card or an identification document, unless the presiding officer reviews the electoral registration record or the register of electors and is satisfied by the information and the photograph therein that the person is the person named on the register of electors.”; and

(b) *inserting immediately after subsection (4) the following:*

“(5) For the purposes of this section,

“identification document” means a valid driving licence issued under the *Road Traffic Act*, Cap. 295 or a valid passport.”.

Amendment of section 7 of Cap. 12

4. *Section 7 of the principal Act is amended by deleting subsection (1) and substituting the following:*

“7.(1) Subject to section 8, and any other enactment imposing any disqualification for registration as an elector, a person is qualified to be registered as an elector for a constituency if, on the qualifying date, he

- (a) is a citizen of Barbados;
- (b) is a Commonwealth citizen (other than a citizen of Barbados) who has resided in Barbados for a period of at least three years immediately before the qualifying date;
- (c) is 18 years of age or over;
- (d) is registered under the *National Registration Act, 2015* (Act 2015 -); and
- (e) has resided in the constituency for a period of at least 3 months before that qualifying date, or, but for the circumstances entitling him to vote at a Mission, would have been resident at the address at which he was ordinarily resident in that constituency immediately before leaving Barbados.”.

Amendment of section 8 of Cap. 12

5. Section 8 of the principal Act is amended by

(a) *deleting paragraph (d) and substituting the following:*

“(d) is not registered under the *National Registration Act, 2015* (Act 2015 -) or is disqualified for registration as an elector under any other enactment; or ”; and

(b) *inserting the following new paragraph after paragraph (d):*

“(e) has failed to be registered in an enumeration conducted under section 12 of this Act.”.

Amendment of section 9 of Cap. 12**6. Section 9 of the principal Act is amended by:****(a) deleting subsection (1) and substituting the following:**

“(1) A person registered pursuant to this Act shall remain registered unless and until his name is deleted from the register because

- (a) he has died;
- (b) an objection to his registration has been allowed;
- (c) though not a foreign service elector, he has been absent from Barbados for a continuous period of more than 5 years; or
- (d) he has become disqualified for registration as an elector under this Act or any other enactment imposing disqualifications for registration as an elector.”; and

(b) deleting subsection (2) and substituting the following:

“(2) For the purposes of deleting from the register of electors, the names of persons referred to in subsection (1), the Commission shall first publish once in the *Official Gazette* a list of the names and a notice of the intention to delete those names from the register of electors, and then publish twice in at least two newspapers in circulation in Barbados, at intervals of not less than 7 days apart, a list of the names and a notice of its intention to delete those names from the register of electors.”.

Amendment of section 10 of Cap. 12**7. The principal Act is amended by deleting section 10 and substituting the following:**

“Duty of an Occupier

10.(1) Every occupier of a house shall, when interviewed by a registering officer or enumerator, furnish the registering officer or enumerator with the names of every person living in that house who, to the best of his knowledge, is qualified to be registered as an elector for that constituency.

(2) Where a building is let in separate apartments, flats or lodgings, the person receiving the rent payable by the tenants or lodgers, whether on his own account or as the agent of another person, shall, if requested so to do by or on behalf of the registering officer or enumerator, furnish the registering officer or enumerator with the name of every tenant or lodger by whom the rent of an apartment, flat or lodging is payable.

(3) For the purposes of this section,

“house” means a dwelling house, and includes any building or part of a building occupied as a separate dwelling;

“occupier” in relation to any building let in separate apartments, flats or lodgings, means the tenant, lodger or other person by whom the rent for such apartment, flat or lodging is payable.”.

Amendment of section 12 of Cap. 12

8. *The principal Act is amended by deleting section 12 and substituting the following:*

“Registering Officers

12.(1) The Chief Electoral Officer shall be the Chief Registering Officer for the purposes of this Act.

- (2) For the purposes of the registration of electors and the conduct of any enumeration there shall be
- (a) subject to this section, a registering officer for each constituency who shall be appointed by the Commission after consultation with the Chief Registering Officer; and
 - (b) as many enumerators as may be deemed necessary and the enumerators shall be appointed by the Commission after consultation with the Chief Registering Officer.
- (3) Notwithstanding paragraph 2(a), where the circumstances so require, a registering officer may act for more than one constituency.
- (4) The Chief Registering Officer shall supervise and direct a registering officer or an enumerator in the performance of the functions under this Act, and the registering officer or the enumerator shall comply with any general or specific directions which the Chief Registering Officer may give.
- (5) Each registering officer and enumerator shall, as long as he acts in that capacity, receive such remuneration as may be prescribed from moneys voted for the purpose by Parliament.”.

Insertion of section 12A of Cap. 12

9. *The principal Act is amended by inserting the following section immediately after section 12:*

“Powers of entry

12A. The Chief Registering Officer or any person acting on his behalf may upon the production of his authorisation, enter any dwelling house, institution of learning, or any premises where persons reside or are employed and in either case make such enquires and collect any

information which may be necessary for the performance of any duties or functions under the Act or for any purpose connected with

- (a) the registering of an elector;
- (b) assessing the number of eligible voters in any premises;
- (c) assessing the boundaries or boundary lines in any constituency; and
- (d) giving effect to the purposes of this Act.”.

Amendment of section 13 of Cap. 12

10. *The principal Act is amended by deleting section 13 and substituting the following:*

“Registers of electors

13.(1) The Commission shall cause to be prepared and shall publish no later than the 31st of January in every year a register of electors and a register of foreign service electors which shall include persons who are

- (a) recorded in the National Register, established under the *National Registration Act, 2015* (Act 2015 -); and
- (b) registered as an elector under this Act.

(2) The register of electors referred to in subsection (1) shall, in respect of each elector contain the following particulars:

- (a) the full name of the elector;
- (b) the national registration number of the elector;
- (c) the gender of the elector;
- (d) the address of the elector;

- (e) the constituency in which the elector resides; and
 - (f) the polling district in which the elector resides.
- (3) The register of electors in respect of a constituency shall contain the particulars of an elector who is ordinarily resident in that constituency and shall include the following persons:
- (a) a person who was registered in the register of electors which was last published for that constituency unless that elector should be removed in accordance with subsection (4) or any other provision of this Act;
 - (b) a person who was registered in the revised register of electors or the register of electors published by virtue of section 18, and published since the date on which the register referred to in paragraph (a) was published; and
 - (c) any person registered under the *National Registration Act, 2015* (Act 2015 -) who qualifies as an elector, but who was not registered as an elector, and included in any of the registers referred to in paragraphs (a) and (b).
- (4) A Register referred to in subsection (1), in respect of a constituency, shall not contain the name of any person who, in the opinion of the Commission, appears since the publication of the registers referred to in subsection (1)
- (a) to have died;
 - (b) to have left Barbados on or before the 31st December of the immediately preceding year to be no longer ordinarily resident in that constituency, not being a citizen of Barbados;
 - (c) to have been absent from Barbados for a continuous period exceeding 5 years, being a citizen of Barbados and not being a foreign service elector; or
 - (d) to have become ordinarily resident in another constituency.

(5) The Commission in the exercise of the functions under this section and section 14 shall give directions to the Chief Registering Officer and the Chief Registering Officer shall comply with those directions. ”.

Amendment of section 18 of Cap. 12

11. *Section 18 of the principal Act is amended by deleting subsection(4) and substituting the following:*

“(4) The register for elections must contain the constituency, polling district, full name, national registration number, gender, and address of every person qualified under this Act to be registered as an elector or a foreign service elector for the constituency.”

Repeal of section 25 of Cap. 12

12. *Section 25 of the principal Act is repealed.*

Amendment of section 26 of Cap. 12

13. *Section 26 of the principal Act is amended by deleting subsection (2).*

Amendment of section 68 of Cap. 12

14. *Section 68 of the principal Act is amended in subsection (1) by deleting paragraph (e).*

Read three times and passed the House of Assembly this
day of _____, 2015.

Speaker

Read three times and passed the Senate this _____ day of
, 2015.

President

REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 2015

EXPLANATORY MEMORANDUM

The *Representation of the People (Amendment) Act, 2015* would amend the *Representation of the People Act, Cap. 12* to make better provision for the duties and functions performed by election officials in addition to the preparation and maintenance of the register of electors.

- Clause 1:** provides for the short title of the Act.
- Clause 2:** provides for the amendment of section 2 of the *Representation of the People Act, Cap. 12* to repeal, modify and replace certain definitions used in that Act and to insert the definitions of certain new words into that Act.
- Clause 3:** provides for the amendment of section 6 of the *Representation of the People Act, Cap. 12* by repealing and replacing subsection (4) to stipulate that at an election a voter may not vote more than once in the same constituency nor in more than one constituency and that the voter must produce his identification card or if lost or destroyed another identification document. Where the voter fails to produce a form of identification, he may not be allowed to vote unless the presiding officer, after reviewing the electoral registration record or the register of electors is satisfied by the information and photograph therein that the voter is the person named on the register of electors. Section 6 is also amended by the insertion of a new subsection - subsection (5) is added to define identification document, this phrase is defined to mean a valid driving licence or valid passport.
- Clause 4:** provides for the amendment of section 7 of the *Representation of the People Act, Cap. 12* by repealing and replacing

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subsection (1) to set out the qualifications for registration as an elector. These include citizenship of Barbados or commonwealth citizenship if residing in Barbados for a period of at least 3 years immediately before the qualifying date, being 18 years of age or older, registration under the *National Registration Act, 2015* (Act 2015-) and residence within the constituency for a period of at least 3 months before the qualifying date, or, but for the circumstances entitling him to vote at a Mission, would have been resident at the address at which he was ordinarily resident in that constituency immediately before leaving Barbados.

Clause 5: provides for the amendment of section 8 of the *Representation of the People Act, Cap. 12* by repealing and replacing paragraph (d) to provide that a person is disqualified for registration as an elector if he is not registered under the *National Registration Act, 2015* (Act 2015 -) or if he is disqualified under any other enactment. Paragraph (e) is added to include that a person who failed to be registered in an enumeration conducted under section 12 of the *Representation of the People Act, Cap. 12* is also disqualified for registration as an elector.

Clause 6: provides for the amendment of section 9 of the *Representation of the People Act, Cap. 12* by repealing and replacing subsection (1) to provide for a person who is registered pursuant to that Act to remain registered unless and until his name is removed from the register because of named circumstances. Subsection (2) is repealed and replaced to require the Commission to publish in the *Official Gazette* and in the daily newspapers the names of persons registered in the register of electors prior to their removal.

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- Clause 7:** repeals and replaces section 10 of the *Representation of the People Act*, Cap. 12 to require the occupier of a house or lodging to furnish a registering officer or enumerator with the names of every person or tenant or lodger living in the house or lodging who is qualified to be registered as an elector for that constituency.
- Clause 8:** repeals and replaces section 12 of the *Representation of the People Act*, Cap. 12 to stipulate that the Chief Electoral Officer is the Chief Registering Officer who shall supervise and direct a registering officer or enumerator in the performance of his functions. It also provides for a registering officer for each constituency, notwithstanding that a registering officer may act for more than one constituency; and as many enumerators as may be deemed necessary. These posts must be filled by the Commission after consultation with the Chief Registering Officer and registering officer or enumerator will receive remuneration as prescribed from moneys voted for the purpose by Parliament..
- Clause 9:** inserts a new section after section 12 of the *Representation of the People Act*, Cap. 12 to allow the Chief Registering Officer or any person acting on his behalf upon the production of his authorisation, power to enter any premises where people reside or work to make enquiries or collect information necessary for the performance of any duties or functions designated under that Act.
- Clause 10:** provides for the amendment of section 13 of the *Representation of the People Act*, Cap. 12 to require the Commission to publish every year a register of electors and foreign service electors entitled to vote in an election. It also lists the required content of the register of electors in respect of each elector. It further specifies the qualifications to be

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satisfied in order to be included in the register of electors and also provides the circumstances under which the Commission may have a name removed from the register of electors. It also provides for the Commission in the exercise of its functions under section 13 or 14 of the *Representation of the People Act*, Cap. 12 to give directions to the Chief Registering Officer who shall comply with those directions.

Clause 11: provides for the amendment of section 18 of the *Representation of the People Act*, Cap. 12 by repealing and replacing subsection (4) to stipulate the contents of the register for elections as it relates to every person qualified under that Act to be registered as an elector or a foreign service elector for the constituency.

Clause 12: repeals section 25 of the *Representation of the People Act*, Cap. 12.

Clause 13: provides for the amendment of section 26 of the *Representation of the People Act*, Cap. 12 by repealing section (2).

Clause 14: provides for the amendment of section 68 of the *Representation of the People Act*, Cap. 12 by repealing paragraph (e) of subsection (1).